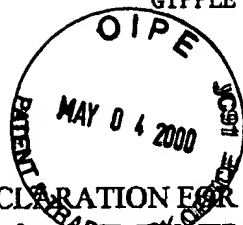


43



DECLARATION FOR PATENT  
APPLICATION AND POWER OF ATTORNEY

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

COMPOUND BONE STRUCTURE OF ALLOGRAFT TISSUE WITH  
THREADED FASTENERS

the specification of which

(check [XX] is attached hereto.

one) [ ] was filed on \_\_\_\_\_ as  
Application Serial No. \_\_\_\_\_ and was  
amended on \_\_\_\_\_, (If applicable)

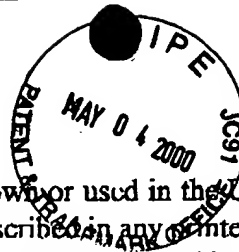
I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

			Priority Claimed
			[ ] [ ]
(Number)	(Country)	(Day/Mo.Yr. Filed)	Yes No
_____ (Number)	_____ (Country)	_____ (Day/Mo.Yr. Filed)	[ ] [ ] Yes No
_____ (Number)	_____ (Country)	_____ (Day/Mo.Yr. Filed)	[ ] [ ] Yes No
_____ (Number)	_____ (Country)	_____ (Day/Mo.Yr. Filed)	[ ] [ ] Yes No



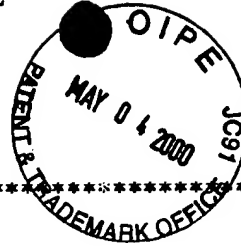
I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as noted above. I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application (s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>09/196,251</u>	<u>11/20/98</u>	<u>Pending</u>
(Appl. Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

<u>                    </u>	<u>                    </u>	<u>                    </u>
(Appl. Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

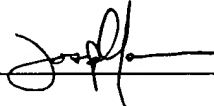
And I hereby appoint GIPPLE & HALE, 6665-A Old Dominion Drive, McLean, Virginia 22101, Telephone No. (703) 448-1770 (to whom all communications above this application are to be addressed) and the attorneys therein, including J. W. GIPPLE, Registration Number 18,906; and JOHN S. HALE, Registration Number 25,209, individually and jointly, my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and with the resulting patent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and believe are believed to be true; and further, that these statements were made with the knowledge that any willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



\*\*\*\*\*  
Full name of sole (first) inventor:

JOSEPH A. YACCARINO III

Inventor's Signature 

Date

2/24/00

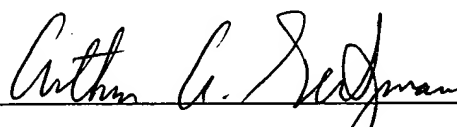
Residence: 83 Freemont Court, Somerset, New Jersey 08873

Citizenship: United States of America

Post Office Address: 83 Freemont Court, Somerset, New Jersey 09973

Full name of second joint inventor, if any:

ARTHUR A. GERTZMAN

Inventor's Signature 

Date

24 Feb 2000

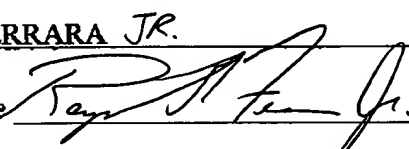
Residence: 34 Pierce Drive, Stony Point, New York 10980

Citizenship: United States of America

Post Office Address: 34 Pierce Drive, Stony Point, New York 10980

Full name of third joint inventor, if any:

RAYMOND G. FERRARA JR.

Inventor's Signature 

Date

24 FEB 2000

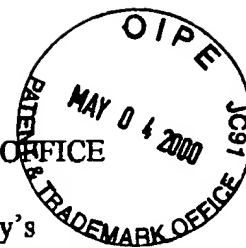
Residence: 101 Red Crest Lane, Branchburg New Jersey 08876

Citizenship: United States of America

Post Office Address: 101 Red Crest Lane, Branchburg New Jersey 08876

Atty. Ref.: X-9304

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Yaccarino et al

Serial or Patent No.:

Attorney's

Docket No.: X-9304

Filed or Issued:

For: COMPOUND BONE STRUCTURE OF ALLOGRAFT TISSUE WITH  
THREADED FASTENERSVERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9 (f) and 1.27(b) - SMALL BUSINESS CONCERN

I hereby declare that I am

☐ the owner of the small business concern identified below:☒ an official of the small business concern empowered to act on behalf of the concern identified below:NAME OF CONCERN: MUSCULOSKELETAL TRANSPLANT FOUNDATIONADDRESS OF CONCERN: Edison Corporate Center, 125 May Street, Suite 300  
Edison, New Jersey 08837

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 person. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly, or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled COMPOUND BONE STRUCTURE OF ALLOGRAFT TISSUE WITH THREADED FASTENERS by the inventors, JOSEPH A. YACCARINO, III, ARTHUR A. GERTZMAN and RAYMON FERRARA, described in:

☒ the specification filed herewith☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern, or organization having rights to the invention is listed below\* and no rights to the invention



are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

☐ INDIVIDUAL      ☐ SMALL BUSINESS CONCERN      ☐ NONPROFIT ORGANIZATION

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

☐ INDIVIDUAL      ☐ SMALL BUSINESS CONCERN      ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b).)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: ARTHUR A. GERTZMAN

TITLE OF PERSON OTHER THAN OWNER: Vice President - Research and Development

ADDRESS OF PERSON SIGNING: Edison Corporate Center, 125 May Street, Suite 300

Edison, New Jersey 08837

Arthur A. Gertzman      24 Feb 2000  
SIGNATURE      DATE

## FILING RECEIPT



\*OC00000005082913\*

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeAddress: ASSISTANT SECRETARY AND  
COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/503,166	02/14/2000	3738	849	X-9304	5	37	12

Gipple & Hale  
6665-A Old Dominion Drive  
McLean, VA 22101

Date Mailed: 04/28/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

Joseph A. Yaccarino III, Somerset, NJ ;  
 Arthur A. Gertzman, Stony Point, NY ;  
 Raymond G. Ferrara, Branchburg, NJ ;

Jr., J

## Continuing Data as Claimed by Applicant

THIS APPLICATION IS A CIP OF 09/196,251 11/20/1998 PAT 6,025,538

## Foreign Applications

If Required, Foreign Filing License Granted 04/28/2000

**\*\* SMALL ENTITY \*\***

## Title

Compound bone structure of allograft tissue with threaded fasteners

## Preliminary Class

623

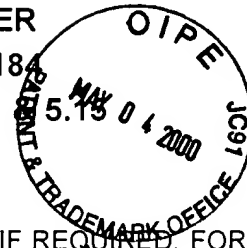
Data entry by : NIMMONS, EVELYN

Team : OIPE

Date: 04/28/2000



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**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11**



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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

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- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
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